

United States District Court  
for the  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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DATE FILED: 3/12/10

**Report on Offender Under Supervision**

Name of Offender: Vernon Royal Docket Number: 04-CR-585-01  
Name of Sentencing Judicial Officer: Honorable Denny Chin, Senior U.S. District Court Judge -  
Part I  
Date of Original Sentence: November 9, 2005  
Original Offense: Conspiracy to Commit Bank Fraud 18 U.S.C. 1349, a Class B Felony  
Original Sentence: 33 months imprisonment, followed by a five (5) year term of supervised release  
Type of Supervision: Supervised Release Date Supervision Commenced: June 6, 2008

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**NON-COMPLIANCE SUMMARY**

The offender has not complied with the following condition(s) of supervision:

Nature of Non-compliance

**The supervised releasee failed to make monthly restitution installment payments of 10% of his gross monthly income.**

U.S. Probation Officer Action:

On December 16, 2009, USPO Margaret Foley (EDNY) spoke with Royal (via telephone) regarding his inability to comply with making restitution payments. During said conversation, Royal advised that he is making payments every three (3) months. USPO Foley admonished Royal and explained the importance of complying with the Court's order as directed. Royal expressed remorse for his actions and agreed to make payments on the fifth of every month.

**SUMMARY OF COMPLIANCE WITH SUPERVISION CONDITIONS**

On November 9, 2005, Vernon Royal was sentenced by Your Honor to 33 months imprisonment, followed by a five (5) year term of supervised release after pleading guilty to Conspiracy to Commit Bank Fraud 18 U.S.C. 1349, a Class B Felony. In addition, the Court ordered the special conditions of full financial disclosure, no new credit charges or additional lines of credit without the approval of the probation department, substance abuse and alcohol treatment, alcohol aftercare treatment, search, \$347,009.49 restitution, and a \$100 special assessment.

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On June 6, 2008, Royal began his five (5) year term of supervised release in the Eastern District of New York. Royal presently resides with his paramour (Gloria Brown) and their two children in Queens, New York. Ms. Brown is unemployed, therefore Royal is the primary provider for the household. Royal pays \$600 per month in rent. Royal is presently employed by Hillside Tire Shop, and earns \$250 per week. When possible, Royal supplements his income by fixing cars on weekends. Royal reportedly earns an additional \$100 - \$200 fixing cars.

According to the U.S. Attorney's Office, Financial Litigation Unit (FLU), Royal has only paid \$480 toward his court ordered restitution. FLU's records reflect that Royal made his last payment on October 6, 2009. His present balance is \$3246,529.49. It appears that Royal has repeatedly failed to make monthly restitution payments of 10% of his gross monthly income as ordered by the Court.

In regard to drug treatment, on June 16, 2008, the Probation Department referred Royal to Samaritan Village for outpatient services. While in treatment, Royal submitted urine specimens which returned positive for alcohol on June 25, July 3, and July 17, 2008. In response to these results, USPO Foley met with Royal to determine if he needed a "higher level of care." Royal denied consuming alcoholic beverages and suggested that the results may be returned positive due to complications with diabetes.

It is worthy to note that Royal was unemployed for part of his supervision. USPO Foley questioned Royal about his unemployment and he advised her that he earned money as a mechanic by fixing cars in his backyard. Royal failed to provide proof of his income and failed to make restitution payments as ordered by the Court. In response to this, USPO Foley provided Royal with vocational training and increased his reporting requirements. Royal performed forty (40) hours of community service as a sanction for the previously noted noncompliance. As noted above, Royal is presently employed at Hillside Tire Shop.

As previously reported, on October 19, 2008, Royal was arrested by the New York City Police Department (NYPD) and charged with Aggravated Unlicensed Operation of a Motor Vehicle in the Third Degree, in violation of New York State Vehicle and Traffic Law § 511.1A, a misdemeanor, and Operating a Motor Vehicle Without Stop Lights, in violation of New York State Vehicle and Traffic Law § 375.40, an infraction. As a result, on November 24, 2008, Your Honor signed an order, modifying Royal's conditions of supervised release to include, ninety (90) days in a Residential Re-Entry Center (RRC), which he successfully completed on April 21, 2009.

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### RECOMMENDATION AND JUSTIFICATION

At this time, the Probation Department respectfully recommends no action be taken. Considering Royal's willingness to cooperate with the Probation Department, USPO Foley would like to allow Royal another opportunity to comply with making payments toward his Court ordered restitution. USPO Foley will continue to closely monitor Royal's progress and the Court will be promptly notified any of future non-compliance.

Respectfully submitted,

Michael Fitzpatrick  
Chief U.S. Probation Officer

by

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Giavonnii A. Foderingham  
U.S. Probation Officer Asst.  
212-805-5082

Approved By:

 1/29/10  
Enid Febus Date

Supervising U.S. Probation Officer

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JUDICIAL RESPONSE:

☒ Court approves U.S. Probation Officer's action(s)

or

U.S. Probation Officer is directed to:

☐ Submit a Request for Modifying the Condition or Term of Supervision

☐ Submit a Request for Warrant or Summons

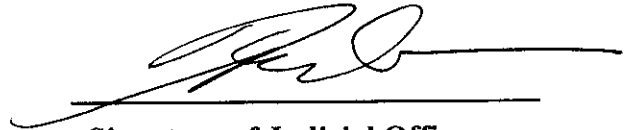
☐ Other

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Signature of Judicial Officer

3/11/10

Date